

# EXHIBIT 1

**In the Matter Of:**

**UNITED STATES vs STATE OF GEORGIA**

1:16-cv-03088-ELR

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**ANDREW WILEY, PH.D.**

*October 30, 2023*

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UNITED STATES vs STATE OF GEORGIA

October 30, 2023

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,

Civil Action No.  
1:16-cv-03088-ELR

vs.

STATE OF GEORGIA,  
  
Defendant.

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Video Recorded Deposition of:

ANDREW WILEY, Ph.D.

Monday, October 30, 2023

8:59 a.m.

Jones Day  
901 Lakeside Avenue  
Cleveland, Ohio 44114

Reported By: Sarah R. Drown, RDR, CRR

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1 inverse.

2 A. Okay.

3 Q. Are there some things you agree would  
4 make a separate setting categorically  
5 inappropriate even if it's otherwise  
6 specialized?

7 MS. JOHNSON: Object to form.

8 A. Yeah. I mean, -- categorically. So  
9 you mean, like, not just individual students?

10 Q. Categorically.

11 A. I mean, -- so I think what you're  
12 getting at is that you have to have a program  
13 that implements research-based services and  
14 programs, things that the student needs and in  
15 terms of addressing whatever the full range of  
16 needs is for that student.

17 And, I mean, I would have to have  
18 whatever setting it is -- or the program has to  
19 have the capacity to implement those. And that  
20 would mean resources and it would mean the  
21 training and it would mean, you know, all of  
22 those kinds of things that are required to  
23 implement the IEP specific to the individual  
24 student.

25 Q. And again this goes back to, again,

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1 too much focus on that, but as far as the way I  
2 reviewed the literature as part of, not my  
3 entire, rebuttal report was -- it was made with  
4 effort to be objective about what the research  
5 says.

6 Q. And if you were to opine on the GNETS  
7 program specifically, what methodology would you  
8 use to conduct a thorough evaluation?

9 A. And this would be similar to, you  
10 know, my experience with program evaluation.  
11 And I can give you that example. Now, this was  
12 one program within a Massachusetts collective,  
13 but --

14 Q. You're talking about back when you  
15 were --

16 A. Yes.

17 Q. -- a graduate student?

18 A. Right. And I haven't pulled the name  
19 of the school yet.

20 Observations, records reviews,  
21 interviews with faculty. And we had  
22 instruments, because this was a research  
23 instrument -- institution for systematic reviews  
24 of records and observation tools that allowed us  
25 to focus on particular things and state upfront

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1 here's what we were looking for.

2 So we were trying to give the  
3 leadership, and also the faculty there, as  
4 accurate of a picture of what we saw going on  
5 with our program and make recommendations for  
6 how they might improve.

7 So program evaluation includes some of  
8 the things. And I get it, there are decisions  
9 that have to be made in limited periods of time,  
10 but that's what I would suggest would have added  
11 more credibility to some of the conclusions.

12 Q. And how large was that program in  
13 Massachusetts?

14 A. That was one school. So I -- you  
15 know, I can only ballpark. 30 to 40 students.

16 Q. And what was your process with -- so  
17 you said, again, that your report is about --  
18 mostly about being a synthesis of the research,  
19 and so what was your process, then, for  
20 synthesizing the research?

21 A. Oh. Well, I looked at specific claims  
22 about, you know, just, for example, you know, we  
23 now know that X, Y, and Z are effective and can  
24 be implemented in general ed. Like those kinds  
25 of -- and then I said well, what is the actual

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1 I'm giving the examples of section IV,  
2 I want to say, where I was looking at, you know,  
3 what do we know about making general ed  
4 appropriate and effective for students with  
5 behavior-related disabilities.

6 Q. But you would agree that the  
7 evaluation you conducted would not have been  
8 consistent with standards in your field if you  
9 were opining specifically on the sufficiency of  
10 the GNETS program, correct?

11 A. What I think I did here was  
12 appropriate for a rebuttal report of specific  
13 claims.

14 If my task was to go and evaluate a  
15 program, then I would have used a different set  
16 of methods. Some of them would have been  
17 similar to, for example, Dr. McCart. And I know  
18 Dr. Putnam also visited some.

19 But I would have used a more  
20 structured transparent approach. That's all I'm  
21 saying.

22 Q. Understood. Thank you.

23 Let's go to page 25, please.

24 A. Yes.

25 THE WITNESS: Does it matter that